

Message Text

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PAGE 01 DUBLIN 02896 01 OF 02 070956Z
ACTION H-03

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TO SECSTATE WASHDC 1005
INFO AMEMBASSY LONDON
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LIMITED OFFICIAL USE SECTION 01 OF 02 DUBLIN 02896

E.O. 11652: N/A
TAGS: OREP (EILBERG, JOSHUA), PINS, SHUM, UK
SUBJECT: TRIAL OF WILLIAM GALLAGHER

REF: BELFAST 176

CONGEN BELFAST DRAFTED THIS MESSAGE SEPTEMBER 5.

1. CODEL EILBERG IS INTERESTED.

2. THE FOLLOWING BACKGROUND ON THE GALLAGHER CASE IS
DRAWN IN PART FROM NEWSPAPER REPORTING. CODEL EILBERG
TALKED WITH GALLAGHER'S FATHER AND OTHERS ABOUT THE
CASE, AND MAY HAVE ADDITIONAL INSIGHTS.

3. RETRIAL CAMPAIGN: GALLAGHER'S 48-DAY HUNGER STRIKE,
WHICH ENDED IN THE MAZE PRISON HOSPITAL AUGUST 28,
APPEARS TO HAVE BEEN THE HIGH POINT OF A CAMPAIGN FOR
HIS RETRIAL THAT BEGAN MANY MONTHS BEFORE. IN EARLY
1977 A BBC NEWS PROGRAM PRESENTED A CONTROVERSIAL RECON-
STRUCTION OF PART OF THE TRIAL. EARLY THIS YEAR A BBC
PLATDBASED ON THE TRIAL TRANSCRIPT WAS FINISHED, BUT
TRANSMISSION WAS DELAYED--PRESUMABLY BECAUSE IT ALSO WAS
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PAGE 02 DUBLIN 02896 01 OF 02 070956Z

EXPECTED TO BE CONTROVERSIAL. GALLAGHER BEGAN HIS HUNGER
STRIKE THE FIRST HALF OF JULY, AND HIS FATHER TOOK EVERY
OPPORTUNITY TO BRING THE CASE TO PUBLIC ATTENTION. (THE
FATHER'S CONCERN IS SHOWN BY HIS CONVICTION FOR HELPING
GALLAGHER ESCAPE FROM PRISON IN 1974--PARA SIX REFTTEL.)
THE CAMPAIGN NEVERTHELESS DID NOT STRIKE US AS HAVING
MUCH FORCE OR PUBLIC SUPPORT, EVEN AMONG HARD REPUBLICANS

ASSOCIATED WITH THE PROVISIONAL MOVEMENT.

4. AT LEAST MEDIA INTEREST INCREASED WITH THE APPROACH OF THE AUGUST 22 DATE SCHEDULED FOR THE PLAY'S SHOWING. THE AUTHOR COMPLAINED THAT HER MESSAGE WAS BEING WEAKENED BY BBC CUTS IN THE PROLOGUE AND THE EXCISION OF THE EPILOGUE. THE BBC IN TURN SAID THE CUTS HAD TO BE MADE BECAUSE OF THE AUTHOR'S EDITORIALIZING. CIVIL RIGHTS ACTIVISTS IN BRITAIN COMPLAINED OF CENSORSHIP. THE LIVERPOOL POLICE DID THEIR BIT TO PUBLICIZE THE PROTEST BY ARRESTING GALLAGHER'S FATHER FOR A DAY UNDER THE PREVENTION OF TERRORISM ACT AS HE TRAVELED TO LONDON TO ATTEND THE PLAY'S PREVIEW. AS IT TURNED OUT, THE PLAY WHEN SHOWN WAS SOMETHING OF A DUD. IT PUT MANY WATCHERS TO SLEEP, AND BY NO MEANS ALL WHO STAYED AWAKE CONCLUDED THAT WILLIE HAD BEEN RAILROADED.

5. THE PLAY SHOWN, GALLAGHER SENIOR ANNOUNCED AUGUST 23 THAT HE WOULD STAND AGAINST SECRETARY OF STATE FOR NI ROY MASON IN THE PARLIAMENTARY ELECTION EXPECTED FOR OCTOBER. AFTER AN AUGUST 26 VISIT TO HIS SON IN THE MAZE PRISON HOSPITAL, HE SAID HIS SON WAS NEAR DEATH AND APPEALED FOR AN INTERVENTION. HE ADDED THAT HIS SON HESITATED TO STOP THE STRIKE BECAUSE OF FEAR THE PRISON AUTHORITIES WOULD TAKE REVENGE AGAINST HIM. ACCORDING TO AN OFFICIAL STATEMENT (BELFAST 171), GALLAGHER STARTED TAKING NOURISHMENT AT LUNCHTIME AUGUST 28. THAT EVENING LIMITED OFFICIAL USE

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PAGE 03 DUBLIN 02896 01 OF 02 070956Z

HIS FATHER PRESENTED THE CASE TO CODEL EILBERG, WHICH SENT OUT TELEGRAMS OF APPEAL (BELFAST 170). THE NEXT DAY GALLAGHER SENIOR REPORTEDLY SAID HIS SON HAD AGREED TO STOP THE STRIKE WHEN HE TOLD HIM HE HAD PERSUADED THE CODEL TO INTERVENE.

6. GALLAGHER INNOCENT? THE MEDIA STATE THAT GALLAGHER FROM THE BEGINNING HAD PROTESTED HIS INNOCENCE OF BOMBING THE BRITISH LEGION HALL IN STRABANE IN JANUARY 1975. REPORTEDLY THE PROSECUTION'S CASE WAS BASED ON AN ORAL STATEMENT HE ALLEGEDLY MADE TO POLICE (CF. PARA SIX REFTEL: "WHILE HE WAS BEING QUESTIONED BY THE POLICE HE IS SAID TO HAVE VOLUNTEERED..."). THE FATHER REPORTEDLY SAID AUGUST 29 THAT HIS SON HAD KNOWN NOTHING OF THE ALLEGED CONFESSION UNTIL IT HAD BEEN PRODUCED AT THE APRIL 1976 TRIAL. WE HAVE ALSO NOTED COMMENTS ABOUT A WITNESS, AS PORTRAYED IN THE BBC PLAY, WHO WITHDREW HER IDENTIFICATION OF GALLAGHER DURING THE TRIAL. OUR IMPRESSION WAS THAT THE ACTOR-JUDGE HAD NOT BELIEVED THERE WAS A TRUE CHANGE OF MIND.

7. EXPERT COMMENT: A SENIOR JUDGE OF WIDELY ACKNOWLEDGED

INTEGRITY WHO KNOWS THE CASE SAID PRIVATELY HE WAS ABSOLUTELY CONVINCED OF GALLAGHER'S GUILT AS CHARGED. A YOUNG CATHOLIC LAWYER (BARRISTER) WHO HAS HANDLED TERRORIST CASES AND KNOWS WHAT THE PROFESSION THINKS, SAID HE HAD NO DOUBT OF GALLAGHER'S GUILT BUT THOUGHT THE CONFESSION NOT STRONG ENOUGH EVIDENCE TO JUSTIFY CONVICTION.

8. SPECIAL STATUS: IN ADDITION TO CAMPAIGNING FOR A RETRIAL, GALLAGHER APPARENTLY HAS APPEALED FOR A RETURN OF SPECIAL STATUS TO REPUBLICAN PROTESTORS IN THE MAZE PRISON (LONDON 7823 PROVIDES BACKGROUND ON THE PROTEST).

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PAGE 01 DUBLIN 02896 02 OF 02 070957Z

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AMCONSUL BELFAST

LIMITED OFFICIAL USE SECTION 02 OF 02 DUBLIN 02896

WE UNDERSTAND FROM AN OFFICIAL SOURCE THAT GALLAGHER HAD BEEN IMPRISONED UNDER SPECIAL STATUS--HIS OFFENSE TOOK PLACE IN JANUARY 1975, BEFORE SPECIAL STATUS WAS WITHDRAWN. HE CONSORTED IN THE PRISON COMPOUND WITH A GROUP OF A DOZEN AND A HALF PRISONERS IDENTIFIED TO US AS MEMBERS OF THE IRISH REPUBLICAN SOCIALIST PARTY, WHICH IS A RADICAL OFFSHOOT OF THE OFFICIAL IRA. THE GROUPING GENERATED SO MUCH ANTAGONISM AMONG THE PROVISIONAL IRA PRISONERS THEY WERE HOUSED WITH THAT THEY HAD TO LEAVE THE COMPOUND. THEY ASKED TO BE PUT INTO CELLS IN ORDINARY PRISONER STATUS, AND GALLAGHER'S SUBSEQUENT REQUEST TO RETURN TO SPECIAL STATUS HAS THEREFORE BEEN REFUSED.
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